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SUBJECT: BURKINA FASO: MARCEL KAFANDO, ONLY OFFICIAL SUSPECT IN THE NORBERT ZONGO CASE DIES.

REF: A. 2006 OUAGA 555

[1](#)B. 2001 OUAGA 361

[1](#)C. 1999 OUAGA 1768

[1](#)1. (SBU) SUMMARY: Marcel Kafando, the only official suspect in the 1998 assassination of well known Burkinabe journalist Robert Zongo, died in Ouagadougou on December 23rd, possibly bringing to a close this 11 year old unresolved case. This case has indirectly pointed the finger to high level involvement, including the President's security guard, but also his own younger brother Francois. Zongo supporters hope investigations will continue despite Kafando's death as there is a sentiment that justice has not yet been rendered. Kafando was thought to have been instrumental in two deaths, that of David Ouedraogo, Francois Compaore's chauffeur, and that of Norbert Zongo, who investigated the Ouedraogo case. END SUMMARY.

The case continues?  
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[1](#)2. (SBU) On December 23, Adjutant Chef Marcel Kafando (Chief Warrant Officer - O2) , former chief of Presidential security (Regiment Securite Presidentielle - RSP), died of natural causes, after a long illness, at a private Ouagadougou clinic. He was the only serious and official suspect in the highly publicized assassination case of Burkinabe journalist Norbert Zongo . Zongo was killed alongside three others on December 13h, 1998 (Note: Kafando was also found guilty of the torture and manslaughter of David Ouedraogo. End Note.) In July 2006 Kafando's case was thrown out for lack of evidence, a move that many qualified as political and clearly aimed at protecting influential people from judicial scrutiny.

The Zongo case has attracted a great deal of public and media attention, rallying support from freedom-of-the-press organizations (such as Reporters without Borders) and both domestic and international human rights groups, including Amnesty International.

[1](#)3. (U) According to a union of democratic organizations who support the continuation of the Zongo investigation (Collectif des organisations democratiques de masse et de partis politique -- CODMIPP), the case, despite Kafando's death, is not closed, and therefore the judicial proceeding must continue until all those responsible for the assassination are identified and tried. The Union argues that Kafando could not have acted alone and so other potential suspects are still at large. In a December 2009 communiqué, the CODMIPP asked that an investigation against X (meaning unidentified suspects) be opened. The case, for now, is suspended pending new admissible evidence. If no new information is presented to the judge by July 2016, then the case will automatically be closed.

Timeline:  
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[1](#)4. (SBU) The Ouedraogo and Zongo cases are closely linked.

Zongo's investigation into Ouedraogo's death led to his own assassination. The Ouedraogo case is closed, while the Zongo case remains suspended.

November 1997: Theft of 20 million CFA (about \$10,000 USD) from Francois Compaore's residence (Note: Francois is President Compaore's younger brother and close political advisor. He has been named as a potential successor to his brother as president of Burkina Faso. End note.) Kafando, head of Blaise Compaore's elite presidential guard, is asked to investigate the theft despite having no jurisdiction in this type of case. Two suspects are apprehended who, after being tortured, admit to the theft but tell investigators that they gave the stolen money to Francois Compaore's driver, David Ouedraogo.

December 5, 1997: David Ouedraogo is arrested and taken to the Presidential Guard's military barracks where he is detained, questioned, and tortured.

January 18, 1998: David Ouedraogo dies as a result of injuries sustained during his interrogation.

December 13, 1998: Norbert Zongo, a well known and popular journalist and director of the "Independent" newspaper is killed, presumably because he was investigating David Ouedraogo's assassination. The three other occupants of the vehicle he was driving are also found dead, shot execution style, then burned.

December 18, 1998: The GOBF launches an official investigating commission into Zongo's death and gives it a

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\$230,000 USD investigation budget.

2000: The Independent Investigating Committee (CEI) names Kafando as one of six serious suspects in Zongo's death.

August 2000: a military tribunal (held in Ouagadougou) finds Kafando and other members of the RSP guilty of taking part in David Ouedraogo's death. He is sentenced to 20 years in jail and fined 250 million CFA ( /- \$125,000 USD). He begins to serve his sentence in the Ouagadougou city jail. The Zongo case in which he is a suspect is still ongoing.

2001: Kafando is the only person indicted in Zongo case on grounds of "assassination" and "voluntarily setting fire to a vehicle", but a trial date is not set. Kafando's health deteriorates while serving his sentence and the presiding judge allows him to leave the city jail and remain instead under house arrest. He is thought to be HIV positive and needs daily medical attention.

2003: As Kafando's health improves with treatment, the presiding judge asks judicial authorities to order Kafando to return to jail, but to no avail. He remains under house arrest until his death.

July 16, 2006: Because a key witness, claiming memory loss, recants his original testimony implicating Kafando in Zongo's murder, the judge dismisses the case on grounds of insufficient evidence of Kafando's involvement.

October 2006: New evidence is presented to the judge in the Zongo case, but he rules that it is not persuasive enough to merit re-launching the case.

July, 2016: If the presiding judge rules that no new evidence has been introduced in the Zongo case by 2016, then the case is automatically and irrevocably closed (ten year rule.)

15. (SBU) COMMENT: To reopen the suspended Zongo case, new and compelling evidence has to be presented to the court by 2016. With Kafando's death it is unlikely that any type of

new information or leads will be collected and presented to the court and hence the case has little if any chance of being re-investigated. Francois Compaore's role in both the Ouedraogo and Zongo cases has not been clearly defined, but many firmly believe he took an active part in both assassinations. The general perception in Burkina Faso is that Kafando's death means the probable closure of the case, and may leave many feeling that justice has not been appropriately served.

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